

**Ravalli County Planning Board
Meeting Minutes for July 5, 2006
7:00 p.m.**

Hamilton Middle School Auditorium, 209 S. 5th Street, Hamilton, Montana

Public Hearing

Aspen Springs (Wesmont Builders/Developers, Inc.) Major Subdivision and Eight Variance Requests

This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.

1. Call to order

Dan called the meeting to order at 7:18 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Dale Brown (present)
Ben Hillicoss (absent – excused)
Dan Huls (present)
JR Iman (present)
Roger Linhart (absent – excused)
Chip Pigman (present)
Les Rutledge (present)
Lori Schallenberger (present)
Gary Zebrowski (present)

Park Board Representative: Bob Cron (absent – excused)

(B) Staff

Benjamin Howell
Karen Hughes
James McCubbin
Renee Van Hoven
Jennifer De Groot

3. Approval of Minutes

Dan asked if there were corrections or additions to the minutes from June 21, 2006. There were none. The minutes were approved.

4. Amendments to the Agenda

There were none.

5. Correspondence

Dan noted there were 50 or more pages of correspondence from the public.

6. **Disclosure of Possible/Perceived Conflicts**

JR said that his son works for WGM as a traffic engineer, but is not involved with the present subdivision.

Dale said that he currently did not have any contracts with Wesmont Builders/Developers, Inc., although he had worked with them in the past.

7. **Public Hearing**

(A) **Aspen Springs (Wesmont) Major Subdivision and Eight Variance Requests**

Dan asked audience members to raise their hands if they believed this subdivision would create adverse impacts relating to the subdivision criteria. He asked about adverse impacts on agriculture and about 20 people raised their hands. He asked about adverse impacts on agricultural water user facilities and about 40 people raised their hands. He asked about impacts on local services and about 200 people raised their hands. He asked about impacts on natural environment and about 150 people raised their hands. He asked about impacts on wildlife habitat and about 200 people raised their hands. He asked about impacts on public health and safety and about 200 people raised their hands. (Note: About 300 people attended the meeting.)

Dan asked for three-minute waivers to be turned in before the Public Hearing began. He asked people to state their names and where they live. He said he wanted to hear from Florence area people first and the time limit for public speakers is typically 3 minutes. He said he received 3-minute waiver requests from Steve Hall for an unspecified time, Candace Jerke for 30 minutes, Bill Swensen for 15 minutes, Sarah McMillan for 3 extra minutes, and Marilyn Owns Medicine for 10 minutes. (See Attachments B-F)

Dale motioned that all those who requested a waiver be given 15 minutes.

Les seconded the motion.

The Board voted unanimously to approve the motion. The Board discussed how long members of the public would be able to speak.

Stuart Brandborg asked that everyone in the public be able to speak for three minutes and requested a continuance of the meeting so all could be heard.

Dan asked the audience to address the six subdivision criteria and noted that Montana State Law set up the criteria.

Chip asked that testimony not be repeated.

JR motioned a meeting cut-off time of 11:00 p.m. and said that if there were more people wishing to speak, that the Board would consider a continuance.

Gary seconded the motion.

The Board voted unanimously to approve the motion.

(i) Staff Report on the Subdivision Proposal: **Renee Van Hoven** gave a PowerPoint presentation. She gave an overview of the proposal and stated Staff has six outstanding issues that need to be addressed before they can make a recommendation. She said the developer needs to create a road connection to the south, relocate lots on natural drainages and wildlife habitat, work with MDT to mitigate impacts on state-maintained intersections, identify and mitigate law enforcement impacts, create a bike and pedestrian pathway, and work on internal parks and trail systems. She noted that if these issues were addressed by the developer, Staff would most likely recommend approval of Variances 1, 3, 4, 5, and 6, and denial of Variances 2, 7, and 8. She entered the Staff Report into the record. (See Attachment G, Aspen Springs Staff Report, Attachment H, Amendment to the Aspen Springs Staff Report, Attachment I, Letter from James McCubbin, Attachments J – MM, Public Comments Received After the Staff Report but Prior to the Public Hearing, and Attachment NN, Letter from David Hurtt)

(ii) Three Minute Rule Waiver Requests (if any)

(See above)

(iii) Public Comment on the Subdivision Proposal and Variance Requests

(a) Applicant and the applicant's representatives

Nick Kaufman, WGM Group, Inc., noted that 77% of Ravalli County was owned by State or Federal Government. He showed a Sonoran Institute progression of houses in the County. He noted that although 636 homes seems like a lot, Aspen Springs will only add about 32 homes per year to the valley, which is just 10% of what the Board approves each year. He said it would be easier for the developer to design 393 one-acre tracts than to create a planned community. He asked how large the County wanted communities like Hamilton to become. He noted that the northern end of the County is growing and that Aspen Springs is Smart Growth. He explained research done by the developer to find the site. He noted that the point of the Aspen Springs commercial lots is not to compete with Florence, but to reduce vehicle trips. He noted that 42% of the area in Aspen Springs is open space. He discussed the road concerns, and said the developer has offered to pay pro-rata. He went through the six subdivision criteria and the effects Aspen Springs would have on each one. (1) Effects on Agriculture: He said that there are no prime farmland soils or farmland of statewide importance on the property, the lot is surrounded by residences and agriculture, and that smaller lots would reduce demand of housing on larger lots. (2) Effects on Agricultural water-user facilities: He noted that the property has no water rights. (3) Effects on local services: He said that the developer has offered to pay pro-rata on the roads. He said he met with Sheriff Hoffman about what is needed for the subdivision and he said there should be a full-time patrol to help on the north end of the County. The Sheriff said it would take five officers and five police cars for a north satellite office. Nick said that just giving the Sheriff money does not solve the problem because the County Commissioners control the County's budget. He said that the proposed subdivision would offer increased property tax to pay for the services it uses. He said the developer offered the Florence Rural Fire District land. He said the subdivision creates fewer roads to maintain because of its density. He said that the developer met with the former Florence-Carlton School Superintendent and he agreed to a \$150 per lot contribution. He said the current Florence-Carlton School

Superintendent is conducting an impact fee study through TischerBise and the developer wishes to wait until the study is completed to see what would be a fair donation to the schools. (4) Effects on the natural environment: He noted the subdivision design preserves open ridges and a timber draw. He noted a discrepancy between the wildlife biologist they hired which said two high ridges were important, and comments from Fish, Wildlife & Parks, which said that the area at the top of the draw was important. He noted that the subdivision includes storm water collectors and Level 2 sewage treatment facilities. He noted there were no riparian or wetland areas. He said that any disturbed sites would be re-vegetated and weed management would help the area. He said air pollution would be reduced because of the ratio of streets to homes and there will be dust mitigation during construction. (5) Effects on wildlife and wildlife habitat: He noted the preservation of open space and draws. He said that domestic animals would be controlled and that would limit the number of stray dogs and cats on the property. He said that if it is that important to the Board and public, the developer could remove the houses from the elk winter habitat area and see what land conservation groups might want to buy the land. (6) Effects on public health and safety: He noted that with the gift of land to the Florence Rural Fire District, water supply would be close in case of fires. He said that they will contribute toward road improvements and create setbacks from the high-pressure gas line.

(b) All other members of the public who wish to speak

Steve Hall asked why there was not a question and answer period from the developer. He asked if he could ask Nick Kaufman questions.

Dan said he should pose questions to the Board and they would ask the developer if necessary.

Steve Hall said that he does not understand the public hearing process and said he wants to cover the criteria which came up during the presentation. He acknowledged that high-density housing is a trend the County will have to deal with, but because of this project's magnitude, the public should be able to ask the developer questions.

Dan noted that the Board took significant questions at the plat evaluation.

Steve Hall asked how much of the 77% of public land in Bitterroot Valley is timber and how much is open land. He asked if the 33 phases would be built in 20 years or 10 years. He noted there were no restrictions for minimum build out time. He noted that the County is trying to preserve open space and infrastructure and asked what is wrong with development closer to existing homes and towns. He said that it does not seem easier to him to create one-acre lots. He asked what types of fees would be assessed to homeowners. He asked about road gradients. He said that the roads in Canyon Creek Village are too small and suggested that if the speed limit is only 25 mph, the roads are problematic. He said that he was not worried about his backyard, but about the County and his friends. He said that WGM and Wesmont were fighting impact fees. He said that the approximate cost of impact fees per home was \$14,441. He noted that he spoke with County Attorney George Corn, who said it takes six years to get a home on full taxation and the first two years go to the State of

Montana. He asked how the developer was going to pay for the infrastructure and noted that impact fees would help. He said he liked that the subdivision controlled noxious weeds and noted that only homeowners take care of the weeds. He said that particulate is not as big of an issue as vehicle emissions created from 671 homes with two vehicles apiece. He said he has many photos of deer in the area and knows that there are elk in the area between Miller Creek & Eight Mile. He said he did not understand the road contribution the developer is proposing.

Candi Jerke said she had a petition against Aspen Springs and gave it to Staff. (See Attachment OO, Petition in Opposition to Proposed Aspen Springs Development) She said that the Florence Coalition Against Aspen Springs (FCAAS) is sure the subdivision will have negative impacts on the water table, wildlife, schools, and public health and safety. She said that taxpayers will have to pick up the cost of improving roads and schools and providing fire and police protection. She said that since the subdivision constitutes a town, it should provide those services. She said that she disagrees with some of the Staff Report, but agrees with other items, such as light restrictions. She said that the northeast area of the subdivision should not have housing because of the elk habitat. She said she visited the USDA website to see what types of soils were on the property and noted that the new soil survey said all soils were severe for road construction and that only a third of the site had decent soils for building. She said that the number of houses was ridiculous because the area is too steep. She said that the slope maps provided by WGM were skewed and most of the slopes are closer to a 15% grade. She agreed with some of the Staff recommendations on covenants, but said that Mr. Ashby still has total control over the covenants and Homeowner's Association, which would have no influence if he wanted to start a RSID. She said that at that point, affordable housing is a moot point. She said one question that irritated her was why there could not be 79 homes instead of 393. She said that WGM's numbers in the storm drainage report do not match up. She asked if part of Lower Woodchuck Road would stay gravel. She said that none of the variances meet all five of the variance criteria. She read part of the variance report from the Staff Report. (See Attachment G, Aspen Springs Staff Report) She said there was no excuse for the variances and that they are ridiculous. She noted that she was an appraiser and she understood the cost of development. She read from the report which she gave to the Planning Board regarding growth costs. (See Attachment M, Cost of Growth Report) She noted how much each public area would receive from estimated property taxes and said that the County will not get money back through property taxes. She said that Aspen Springs' economic report is exaggerated. She said that the County was in a state of emergency and that the County Commissioners declared that with the big box-store resolution. She said that County Attorney George Corn said the County was in a state of emergency in his memo. She asked how the Board could approve a subdivision of that size with no idea of how it would affect the community. She said she did not believe the Board was looking at the whole picture. She said Aspen Springs was not what the people want. She said that although nothing is wrong with Smart Growth, she has visited Canyon Creek Village and does not want to go back.

(Although he requested a three-minute waiver, **Bill Swensen** was not present.)

Marilyn Owns Medicine asked where it is written that the public can only discuss the six criteria. She recommended that the public speak their minds. She said that developers do not represent Ravalli County. She said that the people of Ravalli County want 5, 10, or 20-acre parcels. She said almost all of the people in the room own more than one acre because that is what they want and the Planning Board represents them. She said that the subdivision in Boise after which Aspen Springs was modeled is very different from Aspen Springs. She said that Hidden Springs was built near a metropolitan area, where proper roads were already in place. She noted that Hidden Springs built a charter school to educate students through the ninth grade. She said Hidden Springs has open space built in that is not in septic drain fields. She said that Smart Growth is growth next to municipal areas so it increases the tax base. She said the developer did not have a permit from DEQ. She said that the subdivision has been denied on their water system, non-degradation application, and their septic system. She said the only permit they have received from DEQ was one to do test wells, and the developer is about to fail that. She said there is not enough water there. She noted that if there is not water on the site, the developer will have to redesign the subdivision. She said that Smart Growth does not promote traffic, but this subdivision is creating a municipality in the middle of nowhere. She said that walking, hiking, or biking out of the subdivision is dangerous territory and people today cannot ride their bikes to downtown Florence. She asked what was going to be on the seven commercial units on the site. She said that residents will have to go to town for everything. She said there is no guarantee that the houses will be affordable. She said that \$550 per year is not affordable for water costs. She noted that municipal costs in Stevensville and Hamilton are lower. She noted there would be other fees for common area maintenance, internal road maintenance, and a RSID. She said that homeowners will have to pay for a SID and the money will go in the developer's pocket. She said that since the County has no zoning or growth plan, she has no idea if Ravalli County residents need this housing. She said that Missoula County does need it and residents of Aspen Springs will spend money in Missoula, work in Missoula, and commute to Missoula. She said that there is nowhere to buy jeans in Florence. She said that people will not drive to Hamilton and construction materials and laborers will not come from Ravalli County either. She said that there will be 5,000 additional cars on the roads. She said she did not see in any report how many human lives will be lost, which is a public safety issue. She noted that there is a high-pressure natural gas pipeline which is located near her property with a potential impact range of 142 feet, which would cause significant property damage and take human lives. She asked why the developer chose to go under the current regulations to be able to build a house within 25 feet of the gas line. She said that the developer wants to build roads and encourage hiking over the pipeline. She said that the developer should have to stay with the rules as they were when he submitted the application. She said that developers should not be able to pick and choose which rules they want to apply. She said she was concerned that Staff recommended approval of the variance for lot size reduction because the regulations prohibit granting a variance for density. She read from the Ravalli County Subdivision Regulations Section 8-1-8. She said it was disrespectful of the developer to ask the Board to do things it is not authorized to do. She said that the supporting documents were all prepared by WGM and most do not identify the professional person who created them. She said that the elk and mule deer winter range is a very specific impact, that those animals cannot dig

through the deep snow, and that they need the winter range. She said that even if the developer removes the houses from the northeast, the animals will not come to the winter range because of all the other houses created in the area.

Sarah McMillan said she was an attorney representing FCAAS and Bitterrooters for Planning. She said she sent a memo to George Corn regarding cumulative impacts. She said that the Board should consider countywide cumulative impacts. She said Staff recommended a variance from the phasing regulation so they could consider the entire subdivision in cumulative impacts. She noted the Board has to consider construction impacts 20 years from now. She said that the phasing regulation mentions 2 phases over 4 years, not 33 phases over 20 years. She said that the variance is actually several variances on top of each other. She read Subdivision Regulation 8-1-11, which states that variances expire after 30 months after the date of approval unless the final plat is filed. She said the variance would expire before the phasing is completed. She said that it is unprecedented to approve development that will occur in 20 years. She noted that the Board does not know what the regulations will be in 20 years and approval will preclude the Planning Board in 20 years from doing its job. She said that the County Commissioners recognized the emergency situation of growth in the area and they plan to enact zoning regulations in the next two years. She said that proposing a 700-home subdivision now shows that the developer is trying to squeak in under current zoning practices. She said that variances are for undue hardship and strict compliance. She said the developer was way out of bounds of a variance and there is no undue hardship. She said that the developer does not know for sure that people will buy his houses and he cannot ask for approval of a subdivision when there is no guarantee that it will be built out. She concluded by stating that the phasing variance is out of bounds and should be denied.

Steve Hall said he attended a meeting at the Florence-Carlton School hosted by the developer. He said it was an effort made by WGM to learn what is necessary to avoid mitigating the concerns of the neighborhood. He said he did not move to an area to create challenges and does not want to challenge the community. He said that identifying him and his group as obstructionists or NIMBYs (Not In My BackYarders) is a gross injustice. He said that Wesmont has shown by how much money they make that they do not put potential homebuyers in a place of respect. He said that lawsuits have been settled with Wesmont as the defendant and plaintiffs are not allowed to reveal their names. He noted that further litigation is pending against Wesmont regarding building codes. He said he submitted several photographs taken in May 2006 of houses built by Wesmont with exterior problems, which he said is not unique to this development. He said that haste is the key factor in the development. He noted that the 62 photographs do not cover everything. He said that there is so much traffic on Highway 93 that people call it the Bitterroot 500. He discussed road speeds and gradients. He said that the subdivision is full of dangerous, low-speed slopes and he recommended research on the topic.

Chip suggested that since Steve had already submitted the report he was reading to the Board, perhaps he could give up some of his speaking time to allow other members of the public time to speak.

Steve Hall said that people do not have time to do research. He said that the subdivision will not be an overnight success or failure. He noted that once the Board opens the gate, they could be dealing with 5,000 home subdivisions. He said that the public needs to hear the facts and he worked to provide this information.

James McCubbin said that the Board does not have to hear repetitive testimony and noted they could ask Steve Hall to quit speaking. The Board allowed him to continue.

Steve Hall discussed road composition and noted there were construction flaws. He said that taxpayers will end up paying for increased road use. He noted there will be a 50% increase of traffic on Eastside Highway. He listed a few cases of casualties and injuries on Eastside Highway and noted that he wants the road improved. He said that the County only has 20 employees to maintain 550 miles of road. He also discussed the impacts to US Highway 93 and noted there was no mitigation for US Highway 93 or Eastside Highway. (See Attachment PP, Brochure on Hidden Springs)

Barbara Evans said she was a Commissioner in Missoula County and that she was pleased with the work that Wesmont Builders did by providing middle-income housing in Canyon Creek Village. She said the housing was impressive and she was pleased with Perry's meticulous details. She was so pleased, she had Perry Ashby construct an addition on her own home and it has become the highlight of her house. She said that without Canyon Creek Village, many people in Missoula would not be able to own a home. She said she had never heard a complaint against Perry Ashby and the homes have contributed to the workforce and tax base in Missoula County and the State of Montana. She said that she believes Wesmont's development was one of the reason's DirecTV chose to locate in Missoula. (See Attachment QQ, Letter from Barbara Evans)

Scott Hollenbeck said he was a real estate agent with Properties 2000 in Missoula and had been in real estate for 23 years. He noted that he picks his clients carefully. He said there were problems with Canyon Creek Village, like with every new subdivision. He said there is both a Homeowner's Association and Board of Directors in Canyon Creek Village. He noted that the subdivision sold 260 homes in the last four years and there has been an excess of 60 resales since the original homeowners bought their houses. He said that Wesmont buys locally, banks locally, will add jobs to Ravalli County, and will also benefit Missoula County. He said that Canyon Creek Village was an affordable housing project, but this project is considered to be different, with an array of housing. He noted that does not mean that the less expensive houses will be sub-standard. He noted that he had Wesmont construct a home for him 18 months ago. He said that if the Board asks people who live in one of Wesmont's projects, they will find a high percentage of people are happy with homes. He then read excerpts from a letter written by Sandy Pomeroy, the previous president of the Canyon Creek Village Homeowner's Association. (See Attachment EE, Letter from Sandy Pomeroy)

Angela Zielinski said she was an attorney with Sullivan, Tabaracci & Rhoades, PC in Missoula. She said that she bought her first home in Canyon Creek Village two years ago. She said that before Canyon Creek Village, she could

not afford to purchase a home, but her rent was the same as her current mortgage payment. She said if Wesmont had not created Canyon Creek Village, she would still be renting and paying the same as a mortgage payment. She noted that many other people would say the same. She said that she enjoys a sense of community and that the subdivision is well-kept and her neighbors are friendly. She said the subdivision is child-friendly and that her daughter rides her bike around it. She said she was a proponent of Aspen Springs. She commented that it is hard for working families to afford quality homes and if built, many families will be able to stay in the area. She said that Wesmont will be responsible, there will be minimal impacts to agriculture, and their development will alleviate urban sprawl. She said that Wesmont will study and mitigate issues with the Florence-Carlton School District, the Florence Rural Fire District, and effects on the natural environment and wildlife. She noted that most of the property will be open space and parks. She urged approval of the subdivision.

A lady in the audience contended that the first speakers did not address the six subdivision criteria.

Dan responded that the Board will be taking public comment and has allowed latitude of speech from the six criteria. He said that the rest of the public may also have that latitude, but he would prefer that the public address the six criteria.

Kris Hollenbeck said she was a real estate agent with Properties 2000 in Missoula. She said that she purchased her first home in Canyon Creek Village and found it affordable, brand new, and energy-efficient. She said her house has an energy-efficient furnace, siding, 30-year shingles, and came with a one-year limited warranty. She said her subdivision has sidewalks, curbs, gutters, and tree-lined streets. She said she has a sense of pride of ownership and urged the Board to approve Aspen Springs.

Terry Wahl said he lives southeast of the proposed subdivision. He said he lived in Missoula for 25 years, but moved to Ravalli County to get away from urban sprawl. He said there is another subdivision proposed northeast of his subdivision. He said there was no infrastructure to support the system and no sewer or water system. He also stated that there was no proper transportation system and that Lower Woodchuck Road has no shoulders in case of an accident or flat tire. He said the traffic creates a safety issue for kids and for walking or riding horses. He said he was not against the development, but asked the Board to be smart about it and use common sense.

Stacy Richard said she lives in Missoula and purchased one of first homes in Canyon Creek Village. She said she sold the home afterwards and was able to go to school and get her degree. She said the road size in Canyon Creek Village promoted slower traffic and residents could let their kids play in the roads. She said she saw fire engines, police cars, and ambulances that were able to travel on the roads. She observed that change is kind of scary and that we have so much diversity. She quoted Harold Wilson: "He who rejects change is the architect of decay. The only human institution which rejects progress is the cemetery."

Don Kechely said he moved to Ravalli County in 1991 and has seen a lot of growth. He said he got out of the Navy in 1972 and then moved to Flathead Valley. He said he was raised in Colorado and they put in a ski area at Breckenridge. He affirmed that wherever you live, there will be growth. He stated that in 2000, the census for Ravalli County was 40,000 and they are forecasting that the number will double in the next 20 years. He said that growth will happen, but for it to occur, it must be planned. He said that Aspen Springs is planned and will handle some of the influx of people moving here. He noted that only 32 homes will be built a year compared to the 300-500 homes that will need to be constructed every year to handle people moving in. He said Aspen Springs will keep 160 acres as open space and the homes will be affordable, allowing people to put in roots. He said that construction will put money back in the economy. He said every dollar spent causes \$7 to be generated in the economy. He said that the first year alone Aspen Springs will raise the tax base by \$215,000, and said that over 20 years, it will generate 3.6 million dollars. He alleged that the development will pay for itself and is good for Ravalli County. He noted that he was in favor of the proposed subdivision.

Ryan Guerra said he has worked for Perry & Wesmont for 5 years and is impressed with their professionalism and construction history. He said an important thing to think about it is the people who will be buying the homes. He said he deals with people who live in the subdivisions and can see how happy they are to own a home. He noted that everyone has to start out somewhere and the older crowd had to start out somewhere as well. He said that having a planned subdivision will draw a younger crowd.

Dale said that the Board invited John McGee, the Florence-Carlton School Superintendent to speak and asked him if he had any comments.

John McGee, the Florence-Carlton School District Superintendent, extended an invitation to Perry Ashby and the Board to continue their meeting at the school in Florence. He said he sees a lot of students coming in the doors of the school and 600 homes in the District will generate more students. He said he has seen estimates of 17 students at full build-out all the way up to 500 students. He said a conservative estimate would be .4 to .5 students per house, averaging 200 to 300 students coming in to the District at full build-out. He said although he hears a lot about the need for affordable housing, the District is overcrowded and will have to build more buildings to be able to take on more students. He said that with any growth in the District, they will have to build more facilities and not doing so would destroy the quality of life for a young person. He noted that he has had opportunities to visit with the people in his District through his job and Boy Scouts. He said he has heard pleas not to increase taxes. He said he is working on trust with the people in his District. He said he realizes the County is at a crossroads. He said the question is, is it quality of life or affordable housing? He asked if the subdivision will end up impacting the District and then other people will have to pay tax increases, including the elderly and others who cannot afford the taxes. He said the District is studying impact fees right now and knows it has a high bar to meet because all three commissioners in Ravalli County and Missoula County have to agree that the impact fees are appropriate and fair. He said that before he became superintendent, the District agreed to accept \$150 per lot from the developer. He said the real costs are about \$5400 per student. He noted that Perry has been gracious to say he wants to see the

impact fees and TischlerBise will provide real numbers of impacts. He said Perry will work with the District to identify and mitigate the impacts. He noted that Florence has a lot to offer anyone who wants to live there, but the area will be compromised if developments do not work to mitigate the issues.

Stan Duckbill said he works at Ready Mix Concrete and lives in Missoula. He said he has lived in his home for 17 years and has seen lots of growth. He said he has seen Canyon Creek Village as an opportunity for homebuyers. He noted that his company has done many quality developments in Missoula & Ravalli Counties and that developments allow for growth. He said that the proposed development provides adequate infrastructure for growth and affordability. He said that all businesses depend on solid, planned development for growth. He said he is in support of the development.

Gary Haas said he runs two businesses in Florence and owns two homes there as well. He said that the development does not fit in with the character of the valley. He admitted that some people said they bought affordable houses, but he does not feel that these houses will be affordable for many people. He said that the subdivision packs people in. He cited a bumper sticker which says: "Pray for me, I drive on 93." He noted that on a drive from Missoula to the Bitterroot Valley, he was going 65 mph and had 72 people pass him. He said he hit a deer and the Highway Patrol said it would take two to three hours to get to him. He noted that he was a wildlife biologist and had done some elk research. He said that the elk will not stay up there with all the houses around. He said he was on his second home and had it built by a small, local builder. He said that although he believes in growth and housing, there are several more proposals in the area that are too big and go against the character of the valley. He noted that the Planning Board represents them. He said that he does not make a lot of money, but wants to keep the valley the way that it is and wants to see some responsible growth.

Dana Bosse said he lives in Florence in a 5-acre subdivision. He noted his first reaction to the subdivision was: "This is opposite of why I live here." He said he hears people talking about an emergency. He contended that there is not an emergency, but a lack of zoning and long-term planning. He said this subdivision is an opportunity for everyone to become aware of the need for planning. He said he moved here in 1998, but was raised in a small Florida town and watched the explosion of growth. He said he watched the government overreact and under react. He said he felt that a subdivision like Aspen Springs only exists because there is demand for it. He commented that the demand will not go away whether it is approved or not. He said if there are not 600 buyers, it will not be built because it will not be economically feasible. He said the demand will cause people to buy houses in other places, perhaps 3 or 4-acre lots. He said standard septic tanks with wells and no long-term monitoring are causing a crisis. He said that where he comes from, the federal government makes developers stop until they put in a sewer system. He remarked that communities like Aspen Springs are not what people love about Montana, but they are necessary. He conceded that at least it concentrates houses in one area and has some sewer supervision. He said he is not opposed to the subdivision and it is better than what else could happen.

Ashley Bosse said she lives in Missoula but grew up in Florence. She said she wants to be a homeowner. She said she believes in a well-planned community and wants affordable housing.

Kathleen Driscoll asked the Board to consider costs in the future for the County. She said that she has been listening to the County Commissioners at budget hearings and says that now Missoula County has mitigation fees to receive catch-up costs whereas Ravalli County does not. She said that Missoula County has planning and there are costs in Missoula that drive developers to create homes down in Ravalli County, while keeping jobs in Missoula. She said that she hopes they will have money to work with next year. She said that the County is going to be gut-punched by large subdivisions. She said that they are not taking care of infrastructure right now. She noted that people do not want to pay more taxes. She also said that if the subdivision is approved, there will be less and less quality services smeared over larger portion of people.

Dale Bird said he lives in the town of Stevensville. He noted that the fundamental of American democracy is that its wisdom lies in its people. He said that he has heard wisdom at the meeting tonight. He noted that the meeting should have been in Florence. He said that the people want to be able to trust the public process. He observed that the County is dealing with an emergency. He likened mega-developments in Ravalli County to an invasion by a foreign entity who brought Weapons of Mass Destruction with them. He said that the staff did not present impacts on the water situation or social impacts. He stated that the highway system was already overtaxed. He suggested that impact costs per unit should be \$24,000 to \$25,000. He noted they will have to do dust control over 20 years of the project. He suggested that they study the proposal in the context of an emergency and convince the County Commissioners to establish a moratorium on development. He said that like the Americans at the Boston Tea Party, Bitterrooters today do not want things jammed down their throats.

James McCubbin asked the public not to insult the Board. He noted that there were vacancies on the Board.

Barbara Kitchens said she is a Victor resident and comes from multiple generations of Bitterroot residents. She said she was forced to leave the area because there were no jobs here and it took her 25 years to come home. She said when she moved back, she brought her adult children, none of whom could find jobs, and only one could buy a home. She commended Perry Ashby for including more than 40% of the subdivision as open space, for addressing water concerns, water restoration, community wells, and for providing long-term preservation. She commended his architects for providing public safety and addressing water, septic, and sewer issues. She thanked Perry for being willing to participate in Ravalli County. She said that the meeting tonight upset her. She said she was not raised to allow human criticism and ridicule. She said that if the other public did not care to ask about the subdivision in the past year and a half, they should not do so tonight. She noted that it was insulting that people used land and heritage for private agendas and asked for approval of the subdivision.

Doug Soehren said he lives in Hamilton and has lived here most of his life. He stated that although he is retired, he still works. He said one thing he does not like about the subdivision is that he will end up having to subsidize it. He explained that property taxes have tripled since he bought his home. He said that the subdivision will create an increase in demand for services. He noted that he has not asked for any additional services or for an increase in road or school services. He said that he appreciates the fact that people could own their own home. He suggested that people who like to live in the city should live in the city. He noted that Ravalli County is not a city and people who live here do not want to live in the city. He expressed hope that the Board would not approve the subdivision. He said that the subdivision would negatively impact his safety. He said that although the consultant said the subdivision will not impact agriculture, it will take the land out of production so it cannot be used for agriculture later. He state that all six criteria are affected negatively. He said he will have to pay for the subdivision, but will not benefit from extra taxes. He asked why the Board and County should bend over backwards by allowing the variances.

Steve Hall asked if the hydrologist for FCAAS could speak tonight. The Board said he could get in line and wait his turn to speak.

Scott Bloom stated he was from Stevensville and also works in the construction industry. He said that he does not want to debate the developer's credentials and thinks there is a need for a planned development such as this. He noted that growth has come to the valley, but requested that that the Board look at the big picture. He said that the subdivision was not bad in itself, but questioned whether or not it was in an inappropriate location. He said that the County could have 25 new towns of this size that are disconnected from existing infrastructure.

Steve Wilcox (inaudible) from Stevensville said he agrees that the Board needs to look at the big picture. He observed that the Board has a subcommittee working on the northern end of the valley on density mapping. He agreed that there needs to be Smart Growth, but questioned if there could be Smart Growth in the location of the proposed subdivision. He noted that there are places where there should be high density, but there are also places where 1 to 5-acre parcels are appropriate and where there should be places for even lower density. He said there is a lot of research available on fish and the elk winter range and said that making a decision now is putting the cart before the horse. He noted the County does not have impact fees or building permits. He asked the Board to consider the folks that just got into their homes or folks trying to stay there. He said it was not fair to pass on those costs to the new homeowners. He said that the County will need to increase Sheriff's protection. He said that even with impact fees, the other County residents will still subsidize some portion of growth. He asked the Board to make it a fair portion. He said that he is a biologist and is worried about the faulty process for water approval. He said that information is not submitted to DEQ prior to the subdivision application and he asked the Board to consider that.

Bill Ostheimer said he was a Board Member of the River View Orchards Homeowner's Association south of the subdivision. He noted that Sheriff Hoffman was having a hard time keeping the north end of the valley staffed

because of current budget constraints. He said that in 2005, 911 received 13,000 Florence calls and said that the 911 staff will get more irritated with 600 new homes. He said that the problem is now. He said that the Deputy County Attorney can say whether or not the Board can legally say stop or wait. He commented that the County has not had a subdivision of this size before and noted that there were several down the pipe bigger than this one. He said that he has neighbors who live on the road where Wesmont wants to punch a road through. He said he understands that there are concerns about getting out of the neighborhood, but asked the Board not to put a highway in someone's backyard.

Shaen McElravy said he was from Stevensville and asked the Board if they had a County hydrologist to review the water and sewer material. He said that someone has to pay DEQ to review material. He said he picked up about a half dozen errors in Wesmont's submittal to the DEQ. He said that one of the requirements is that the developer has to file an environmental impact statement and the developer has to pay for it. He asked why the DEQ had not permitted Aspen Springs and then noted that 300 septic systems in a square mile are considered hazardous. He said that Type 2 systems are about 10% better than standard systems. He remarked that the MSU Extension Office said that there was about a 5-7% evaporation rate. He noted that if houses are built on a hill, the sewage goes downhill. He said that waste will accumulate in toxic levels and the Eight Mile area is already at capacity. He said the developer does not need to build houses closer than 142 feet to the high-pressure natural gas line. (See Attachment RR, Aspen Springs Proposed Development)

Penny Howe stated she was from Stevensville. She recommended that if the public was unhappy with the public process, they go to the state legislature. She commended Perry for creating a development with a wastewater treatment system. She noted that the EPA will require the development to put the water they use back in the system. She said she believes Aspen Springs is a planned, pretty community. She said that some of the existing houses in the area do not look very nice. She noted that since today's society requires two working people, it is hard for them to keep up five acres. She noted that it is easier for people to upkeep yards on smaller properties.

Inaudible said that he had to place house numbers on his house because they were not placed on there when he purchased his home. He said that the Florence- Carlton School District cannot get a school bond passed because there are so many retired people in the Valley, who do not believe they should pay for services they do not use. He said that if Aspen Springs is approved, the subdivision will welcome new blood and give the Valley a future. He said that the Sheriff could put in a substation and the Fire Department has been talking about building another station in the Eight Mile area for years. He stated that Aspen Springs is the future for Florence and the north end of the valley.

Inaudible said she lives in Missoula and is an owner/manager at a Title company. She said that she has worked with Perry in the past and likes how his subdivisions create a place for young people to get into a home. She said she was in favor of Perry Ashby and the subdivision.

Clint Brown said he lives in Corvallis. He noted that he has lived in the County for over a decade. He said he has worked as a consulting hydrologist in the Pacific Northwest and all over the world. He said that he has a lot of experience in restoration and know what problems look like. He said that since more than 75% of the County is government-owned, and much of the rest of the land is governed by floodplain and municipalities, it is hard to locate land for this type of development. He said that the most recent Subdivision Regulations encourage cluster development, an idea he heard about years ago and liked, but did not think would go over well in Montana. He thanked the engineers and Perry for going out on a limb. He said that some of the things he heard regarding natural resources do not have scientific merit. He noted that the DNRC has experts on the state level to deal with water issues. He also noted that the drainages were ephemeral, with no fisheries in them. He urged the Board to endorse the project.

Larry Jones said he lives in Stevensville and is Secretary and Treasurer of his Homeowner's Association. He said nearly all of the members are opposed to the subdivision and referred to the reasons mentioned tonight and those on the FCAAS website. He said he disliked the density proposed, noting it might be acceptable near a city, with infrastructure, spare water, and fire crews, but not at Eight Mile. He said the subdivision is a bad fit for the area and starts a bad precedent. He said he and his neighbors will have to pay for the development for the next 20 years. He asked the Board to just say "No." He asked the Board to send the developer back to the drawing board and make him keep with the spirit of the Bitterroot Valley.

Lee Foss said he lives in Hamilton. He said he was on the Planning Board when they dropped the Growth Policy plan. He remarked that since 1999, the County Commissioners have spent hundreds of thousands of dollars trying to write a new one. He said he had listened to a lot of growth plan meetings. He recommended that the County needs cluster developments. He commented that the Chairman and Co-Chairman of the Planning Board in the early 2000s requested planned, clustered developments and even had drawings similar to the Aspen Springs plan. He noted that the County is now trying to put up a bond to create even more open space even though 85% of the County is owned by government, restricted by the government, zoned, or under covenants. He said that in the 1970s he worked for Ravalli County Electric Co-op. He asked if the Board had rejected the subdivisions proposed in the 1970s, where would those people live today. He observed that in 1970 the Co-op was told there would be 100,000 people in the County by 2000. He noted it did not happen. He explained that the developer is willing to gamble to bring clustered development plus donate to the Fire Department and leave 160 acres of open space. He said now the Board has a chance to approve a subdivision they have been asking for.

Leo Hansen said he lives in Florence and has lived here since 1953. He said that after listening to testimony, he has changed what he wanted to say. He noted that he would much rather see high-density housing than 5-acre weed patches. He said that he developed a subdivision with 1-acre lots and those will turn into weed patches. He said that maybe people moving to the Valley are coming from a city and want to live in that kind of environment. He said that if the developer can fit more people in a well-planned subdivision, then he should,

although he wants to see the lots a little bigger. He acknowledged that he has watched the County grow and noted that many people are turning commercial farmland into 5-acre lots, which will only produce enough room for one cow or one horse. He said after people started cutting up agricultural land, land prices started to increase. He explained that he has two kids in college and he cannot afford to buy them a lot or subdivide his land. He recommended approving the subdivision and letting people move up from there.

Steven Manning said he lives in Florence. He noted that he has an outstanding business relationship with Wesmont. He said he believed that Wesmont was part of the solution.

Mike Wilcott said he has had a working relationship with Wesmont since they started. He said that the developer is proposing a smart use of a small section of land and asked how it could be better used. He noted that a cluster development here and there will not hurt the valley. He said that he has lived here for 35 years and has seen lot of changes; he recommended approval of the subdivision.

Howard Newman said he was a private consulting hydrologist hired by the FCAAS. He said he has a range of experience in surface water hydrology, snow hydrology, treatments, and pre- and post-harvesting. He said that some people say the subdivision is well-planned, but if he had to pick a particular place where the water could not support an area, this is the place he would pick. He said that he worked with WGM before and one of his pet peeves was that they built on prime agricultural land in Missoula and they did not want to build on hillsides. He said that homes built on hills have better air movement, making it easier to heat and cool homes. He noted that the only reason the land was not being used for agriculture was that the rancher did not have water. He said that some wells in the Eight Mile Creek area are diverting surface water to have water. He noted that 640 lots will require wells and that amount of water will not be available. He remarked that on WGM's map, it shows the direction of non-degradation analysis is to the Bitterroot River. He said that on other groundwater maps, the water from drain fields will flow southwest into Eight Mile creek. He said that the lower the precipitation and groundwater recharge, the higher the nitrate sensitivity. He said that if they pull water from the ground, running 50-60 ppm of nitrate around 24-30 recirculating sand filters it will produce 20mg of nitrate and very little groundwater. He said that that amount is cause for concern. He asked the Board to test wells for a long period of time and noted WGM's hydrologist has not been around to speak.

Nick Kaufman said he asked Jason Rice to give his place in line to the consulting hydrologist on the project so he could answer questions. The Board said that the hydrologist could be heard at the next meeting.

Sonia Dallapiazza said she lives in Florence and will have to wait on Eastside Highway for all the traffic in the area. She said that there are just a few people on the Board making a decision that will have a big effect on her life. She said she does not care what happens to her in 20 years because she will not be here, but she does worry about her grandkids. She asked the Board to get something in writing and firm to make sure that the parks are dedicated. She

said if that was not done, the County will be sitting with a subdivision with nothing special in it.

Jason Rice said he is a land-use consultant from Lolo. He said that the developer is asking for preliminary plat approval, which comes with many conditions. He explained that if the conditions are not met, the subdivision does not get filed. He said that the project has many, many lots. He said that the developer cannot expect high absorption rates to meet phasing requirements. He said that there is not a workforce in Western Montana that can build that much infrastructure in four years. He urged the Board to consider ideas out of the box. He said that if the County develops in a haphazard manner they may end up with a mess. He said that many people tonight indicated that the creation of 30 lots a year will create a catastrophe, although the Board has approved 300-500 lots per year recently. He said that the subdivision is not something that is dropping from the sky. He asserted that it will be planned out and the infrastructure will be provided in time.

Bill McRoy said he understands the dynamics of 5-acre lots. He noted that not everyone in favor of the subdivision will make money off of it and indicated that the other side should receive fair treatment. He remarked that some people were surprised that there would be proponents and opponents. He recommended having another meeting in Florence.

Jeff Crouch said he had no financial ties to the subdivision, but was an architect who cares about growth issues. He said growth is the number one issue Western Montanans have to face. He said he was a relative newcomer to the state, having lived here 13 years. He said now that he is here, he wishes he could put a seal around the state to keep people out. He said he knew the County was growing and will continue to grow and he is in favor of the development. He said that the proposal does a better job of preserving open space and wildlife habitat, and is a better way to go than what the County has seen over the past years. He said that higher density is the key to preserving community, neighborhoods, and open space. He also noted that he was a proponent of lower-income housing. He suggested that dealing with big, difficult development is much better than letting piece-meal development go. He said he believed that well thought-out development was a much better approach to the future.

Dan noted it was 11:00 p.m. and asked the Board if they wanted to hear the last four people in line.

JR recommended letting them speak and also letting WGM's consulting hydrologist have a turn.

Curtis Cook said he was born in the Bitterroot Valley 90 years ago last Wednesday. He said he had a law office here and still practices. He said that while working on another subdivision, he questioned Staff and the County Commissioners about water and sanitation facilities. He said they answered that the DEQ in Helena had control over that. He noted that nothing was done regarding water and sanitation. He added that when the time came, he called the DEQ and was told they were going to go ahead and approve it. He said that the DEQ did not have a copy of the preliminary plat, but only had what the

developer sent in. He asked why the Board did not send in the preliminary plat and environmental statements to DEQ. He said that if this Board does not review the sanitation and water at least they could send the info to the DEQ that has been submitted for consideration in application. He said that the Board is not giving any consideration to safety and health matters.

Glenn Kinsley said he lives in Stevensville and has heard a lot of testimony for and against the subdivision. He remarked that he wants his five acres and does not want his neighbors so close. He said he is promoting a petition to limit development from one house per two acres, even though that is too dense for him. He remarked that a lot of money has been spent promoting the subdivision, but asserted that the Board does not have professional staff to evaluate it. He recommended that the Board deny the subdivision and encourage the County Commissioners to approve a moratorium on subdivisions.

Norm Hagen said he owns 40 acres near the property and would like to discuss the wildlife impact. He said that Renee used a photograph of three elk in her presentation. He questioned where the picture was taken. He said that the lack of snow in the picture suggests that the subdivision is outside of the wildlife winter range. He said that if they turn down the development, the future of his 40 acres is in question. He said that Steve Hall should be applauded for his work, but asked where the 400 purported elk between Miller Creek and Eight Mile were. He asked to see the census from Montana Fish, Wildlife & Parks. He said that the elk are not using his 40 acres. He said that there is no evidence that elk are in the area: no tracks, bones, shed antlers, or scatological evidence.

Matthew Taylor said he was the president of the Eagle Watch Homeowner's Association, which sits between the largest two subdivisions proposed in Ravalli County: Legacy Ranch and Aspen Springs. He said that he is a hypocrite because he is a proponent of open space and higher density, but moved from Missoula and bought two acres of property. He noted that Perry Ashby built his home and he thinks it is well-built. He said that he does not support the subdivision for a number of reasons and that the true answer for each review criterion is a significant "No." He said that the exo-system cannot support the subdivision. He said he came across a car crash and mentioned the proposed subdivision to the responding officer. The officer said "Tell me about it." He said although he likes the concepts behind the subdivision and had a good experience with Perry, he thinks it is not sustainable and not good for the Valley. He said an international bestseller book called Collapse includes a chapter about the Bitterroot Valley. He explained that the book is about societies that fail to plan for the future. He affirmed that the Board Members are some of the most important people in the Valley. He likened the Valley to a giant diamond in the rough in a giant catapult. He said that the Planning Board and County Commissioners have knives in their mouths and the line on the catapult is taught with tension. He said if they cut the rope, they will catapult the valley into the future. He said he does not know where the diamond will land or if it will shatter into a million pieces. He asked the Board to act carefully.

Cam Stringer said he was a Senior Hydrologist with Geomatrix in Missoula and wanted to answer some specific water questions. He said that there have been several test wells drilled and some pumping tests done. He said that the Board

is not composed of hydrogeological experts, but the staff at DNRC is made of experts. He said that the developer has to prove three things to the DNRC: that water is physically available, that it is legally available, and that it will not have an adverse impact on senior water rights. He said they have to show that there is enough available drawdown between the pump and water table so they can sustain their pumping rate. He commented that the developer will have to talk with the neighbors and find out how many water rights are spoken for. He said they want to make it so that senior water rights holders of groundwater and surface water will not be adversely affected. He noted that they are collecting information and the DNRC has the authority to approve or deny the application. He said he believes that there is plenty of water there to supply the subdivision.

JR said that if no one else wants to speak that the Board should close public comment.

Dan said that they are only suspending public comment until the next meeting and will reopen it since some people left with the belief that there would be another hearing.

Lori motioned to continue the hearing.

The Board agreed to continue the meeting on July 12 at 7:00 p.m. at the Florence-Carlton High School Gym.

8. **Suspend Public Hearing Until Next Meeting**

9. **Next Regularly Scheduled Meeting:** July 19, 2006 at 3:00 p.m.

- (A) Gunshy Ridge III (Bitterroot Valley Development, LLC) – Public Hearing
- (B) Hidden View Estates Major Deviation (Kearns) – Public Hearing
- (C) East End Lot 1, AP (Kwapy) – Public Hearing
- (D) Centennial Lot 17, AP (K&J Development) – Public Hearing
- (E) Castle Heights (Greer) – Public Hearing

10. **Adjournment**

Dan adjourned the meeting at 11:29 p.m.